

The original documents are located in Box 11, folder “Equal Employment Opportunity Commission, 1973-1975 (2)” of the Stanley Scott Papers at the Gerald R. Ford Presidential Library.

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UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



FEB 11 1975

Honorable John H. Powell, Jr.
Chairman, Equal Employment
Opportunity Commission
Washington, DC 20506

Dear Mr. Chairman:

It has been brought to my attention that the Equal Employment Opportunity Commission (EEOC) very recently distributed a limited number of copies of a purportedly historical pamphlet of its activities since the passage of the Civil Rights Act of 1964, entitled "The First Decade."

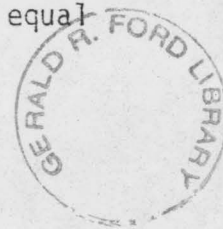
The concept and purpose of developing and issuing the document appear to me to be commendable and very useful to those who, like I, are deeply concerned in making equality of opportunity a reality in America.

However, I am deeply concerned, and must take the strongest exceptions to what I consider the reprehensible and untrue statements included in Chapter Five, concerning the actions General Services Administration (GSA) took prior to the signing of the consent decree on January 18, 1973 by American Telephone and Telegraph Company (AT&T), the EEOC and the Department of Labor.

On September 19, 1972, the General Services Administration, acting through its Director of Civil Rights, Mr. E. E. Mitchell, with my concurrence, entered into an agreement with AT&T which put into effect a model Affirmative Action Plan (AAP), a model Upgrade and Transfer Plan and a model Qualifications and Job Briefs Handbook.

There were specific points of criticism leveled against GSA in regards to the legality of the signing and the merits and sufficiency of the AT&T Agreement and model AAP.

On September 29, 1972, a Task Force was appointed to review for legal and procedural deficiencies, the nature and circumstances of the affirmative action plan agreement executed on September 19, 1972, between GSA and AT&T. In October 1972, a task force report was submitted to the White House. In summary, the Task Force concluded that the GSA/AT&T agreement was in conformance with applicable law and procedures, and did make significant progress toward the goal of equal employment opportunity.



Mr. William J. Kilberg, at the time Associate Solicitor for Labor Relations and Civil Rights, made the following statement during the press briefing regarding the signing of the consent decree between AT&T, the EEOC and the Department of Labor, on January 18, 1973:

"I think it should be mentioned that the General Services Administration had undergone negotiations with the Bell company for some one year before the Department of Labor and the Office of Federal Contract Compliance became involved. And we owe a great debt of gratitude to the General Services Administration for the year of investigation and hard work that they did and hard negotiation which they did with the company. We use the opportunity of their work, the opportunity to build upon their work, in an effort to try to coordinate activities that we were aware were ongoing."

These extracted statements of Mr. Kilberg are significantly different from the allegations attributed "to an EEOC lawyer" on page 28, Chapter Five, of "The First Decade."

GSA has in the past, is doing so now, and will continue in the future to cooperate with the EEOC, as well as any other organization working toward the goal of true equal opportunity. I strongly maintain, however, that the distribution of "The First Decade," as currently written, is unjustly critical of, and also impugns, the integrity of a sister government agency. This could be very damaging to the whole government-wide effort.

I therefore desire, that since the document contains erroneous statements that malign not only GSA but also a major corporation, that all copies distributed to date be recovered, and rewritten, and factual copies issued to replace same.

Sincerely,

Arthur F. Sampson
Administrator

cc: Hon. Stanley S. Scott - White House ✓





EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

WASHINGTON, D.C. 20506

February 19, 1975

IN REPLY REFER TO:

MEMORANDUM

TO: John H. Powell, Jr.
Chairman

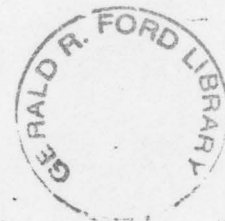
FROM: William A. Carey *WAC*
General Counsel

SUBJECT: The Commission's Public Image

In a February 14, 1975 memorandum to Mr. Sharpe, Acting Director of the Office of Public Affairs, copies of which you provided me and twelve other Commission personnel, you express your concern about the "gross failure of this agency to get its story told." You have invited my comments, and those of others, about this problem.

This memorandum constitutes my personal comments, which I make because I share your concern. However, since I think the overall problems of the Commission are much broader than any possibly emanating from the Office of Public Affairs, I am taking this opportunity to enlarge my comments. Ordinarily, I would make these comments to you personally, and in private, as you might have done with Mr. Sharpe. I feel compelled, however, to use the more formal medium of the written word in an effort to present my comments in a cohesive, complete manner, a mode which my experience with you indicates would not have resulted from a personal conversation.

Let me say that while these comments go beyond the particular items of your memorandum to Mr. Sharpe, they deal with matters which I believe to be a major impediment to the effective and efficient operation of this Commission, its personnel, and its mission, matters which are of primary concern to me as General Counsel. It is also a major reason why I believe the Commission story



is neither being properly told nor properly heard. That impediment is harboured in the ultimate leadership of this Commission and flows directly from your personal behaviour. This behaviour frequently so lacks in understanding, sensitivity, and honest compassion that it precludes the maintenance of the level of respect essential for a Chairman to have in order to operate effectively.

The comments and suggestions set forth below are provided only in the interest of seeing this Commission well served. Each item is merely an example of a larger pattern of behaviour, and each has many other examples behind it.

I. Your Public Appearances

These appearances are most important because in large measure the public draws its conclusions about an agency from the conduct of its public officials. Abandoning the lectern at New Orleans in a personal pique over close questioning about the steel decree, and preempting the time of Judge Skelly Wright during your introduction at Los Angeles and then leaving the room during his presentation* are hardly means of getting this agency's story told in its proper perspective.

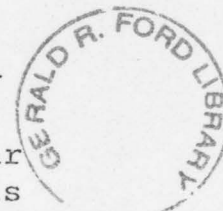
II. Your Conduct of Commission Business

Because of the semi-public nature of Commission meetings**, the Chairman has a special responsibility to conduct these meetings in a fair and even handed manner. The February 11, 1975, censure of you by your fellow Commissioners seems to ring the changes on this proposition.

However, I believe additional thoughts are appropriate in line with the Commission's policy that Roberts Rules of Order govern the conduct of Commission business.

* While stopping by at least one table to chat on your way out.

** E.G. The Freedom of Information Act requires that the vote of Commissioners taken at Commission meetings be a matter of public record.



The Chairman of a collegial body should act as a moderator of its meetings. He should withhold his views unless they involve superior knowledge likely to properly influence the outcome of the body's vote; and when this is the case he must surrender the chair when expressing his views. Not only do you not follow this basic parliamentary approach, you dominate every meeting with your lengthy views on virtually every subject.

The Chairman should set firm meeting dates, appear on time, and change the meeting dates only in extreme situations. No less is required since the busy schedules of so many people are involved.* Unfortunately, the times and dates of Commission meetings have at best become a guess.

III. Your Failure to Abide by Commission Policy

Inherent in the role of the Chairman is his responsibility to conduct Commission business in conformity with the expressed policy of his fellow Commissioners. Failure to do so not only creates serious internal conflicts among the Commissioners and the program directors, but it undermines public confidence in the integrity of the Commission's administrative process. As far as I have been able to determine, you follow the policies established by majority vote of your fellow Commissioners only when you feel that to do so serves your purposes. A few examples will suffice:

* In this regard I believe it appropriate to note your continued objections to the Commission's inability to obtain sufficient funding. Yet at the FY 76 OMB budget hearing you arrived 40 minutes late and despite OMB's request, your budget officer refused to begin the hearing until you arrived.



(1) Your failure to obtain Commissioner approval of major and costly Commission contracts.

(2) Your failure to obtain Commissioner approval (e.g. the 10 year history of the agency) of major publications.

(3) Your failure, upon their specific request, to provide the Commissioners with the true and accurate financial condition of the Commission. (Not only is it their right to have such information but it is their responsibility to have it in order to carry out their statutory responsibilities.)

(4) Your termination of Commission meetings at your own whim without any motion to adjourn even though the Commissioners express their desire to conduct important Commission business and even though they attempt, quite properly, to appeal your action.

Inherent in this part of my discussion is your apparent inability to understand that although you are the administrative head of the agency (with all the perquisites that position carries) the major business of the Commission must be carried on in joint cooperation with your fellow Commissioners. On that score you are but one of five Commissioners designated by Title VII.

IV. Your Continued Disparagement of Government Officials

This is perhaps the most serious flaw in your efforts to get the agency's story told because it sets one agency against another. Very recently, in the presence of myself, four members of my staff, and



other Commission personnel, on two occasions you described a high ranking and respected Government official as having "no guts." (Your comments at this meeting concerning your fellow Commissioners were equally disparaging as are many other comments concerning major Commission personnel.) I do not believe it requires discussion to demonstrate how debilitating such conduct also is concerning staff respect for the Chairmanship of this agency.

V. Your Attempted Intimidation of Commission Personnel

The Commissioners' February 11, 1975, censure of you speaks to this point in detail. However, I believe additional observations are appropriate. Often a change in mood on your part or desire to accomplish what you consider to be a significant goal is accompanied by the threat of firing Commission personnel. Central to this problem seems to be your inability to realize that discipline is a very personal matter and the discussion of it at the outset with the person involved should take place in private. A threat of discipline made in front of large numbers of people is not only bad management but is the essence of intimidation which can only destroy the morale of an agency.

A recent case in point is your unannounced visit to my office on February 12 at which time you collected members of my senior staff and three line attorneys. You began the meeting by hovering over one of my line attorneys and under the threat of discipline demanded to know who his "boss" is. What you were attempting to achieve escapes me. The point again is that this is hardly the way to get the agency's "story told."

VI. Your Disparagement of the Work of Your Own Program Heads

At the outset it should be understood that I am not suggesting that unsatisfactory work should be



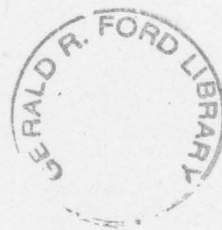
tolerated. On the other hand, as with the discipline of Commission personnel, which I have discussed above, critical comments concerning the operation of component parts of the agency should in the preliminary stages be dealt with in private in a compassionate and constructive manner.

A classic example of your failure on this score (and thus the failure to get the agency's story told) is the captioned memorandum to which I am responding. In simple terms, it denigrates before the entire Commission the work of the Office of Public Affairs.* On a personal note, I do not believe for a minute that your harsh criticism of that office is warranted. For the reasons I have expressed above, I believe the failure to communicate the good work of this agency rests at the door of the Chairman.

Another classic example is personal to me. As you know, my office for many weeks has been conforming the Commission regulations to the requirements of the new amendments to the Freedom of Information Act. This has been a tedious, difficult, and time consuming effort. The reward this office received for its efforts arrived at 4:00 P.M. February 14 in the form of a memorandum which accused my office of an inability to utilize "correct grammatical use of the English language." This memorandum was signed by you.**

* You, as well as anyone in the Commission, should realize that when you circularize large numbers of Washington based personnel with adverse comment it becomes common knowledge. I suggest this fact of life is internally inconsistent with your announced desire to get the agency's story told.

** When I discussed this memorandum with you, your comment was that this was the result of staff work and not your own views. I suggest that as the Chairman of the agency you adopt a general position as to whether you will accept or reject the statements of your senior staff.



VII. Your Attempt to Destroy The Professional Integrity of The Office of General Counsel

This section of the discussion is held to last because it may well be the best example of the headwinds set up by your office in getting "this agency's story told." In sum, on at least five occasions a week you ask this office for legal advice under time limitations which no operation could meet and still insure the professional accuracy of its work.

While many examples reside in my files and will be provided on request by you, I refer at the outset to the most recent example. At 4:00 P.M. on February 14, 1975, a member of your staff delivered your February 14 request for a legal opinion by the close of business the same day (two hours) involving a complex and difficult legal opinion as to whether your employment of a business oriented special assistant on a part time basis constituted a conflict of interest.* Thus under your view of things this office should have done legal research, prepared a text, had it typed, submitted for my approval, and delivered to you within 2 hours. To state the proposition is to demonstrate its folly.

* The complexities of this problem are apparent from the proposed job description which includes a study of plant suburban relocation.



I am prepared to respond with documents and statements from your own office in support of each of the assertions made above.





OFFICE OF
THE CHAIRMAN

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20506

February 14, 1975

MEMORANDUM TO: Chuck Sharpe, Acting Director
Office of Public Affairs

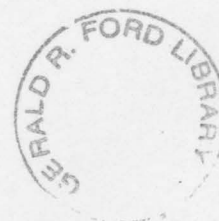
FROM: John H. Powell, Jr.
Chairman

A handwritten signature in dark ink, appearing to read "John H. Powell, Jr.", is written over the typed name and title.

Ever since before the current Director of the Office of Public Affairs came on board, this office has expressed its concern about the gross failure of this agency to get its story told.

Despite the continuing dialogue that has taken place about that concern, I see very little evidence of even an awareness on the part of the staff of the Office of Public Affairs of the overriding importance of the role that office is to play if this agency is to become effective. It is my conviction that the public perceptions shape the context within which the cause of equal employment can first be understood and ultimately be accepted by the public and policy makers.

Since this problem impacts upon each of your operations, it has undoubtedly from time to time been of concern to you. By copy of this memorandum to the General Counsel and the senior staff listed below, I ask each of you (and your respective staffs) to devote some time and attention to this problem. We need a better fix on this problem. Perhaps doing this may enable us to formulate more effective methods of getting "the facts" vis-a-vis the continuing need for greater compliance with Title VII before the public. The public needs to better understand the extent to which EEOC needs more realistic funding if the present thrust toward increased effectiveness is to be manifested.



In the event you are able to come up with suggestions for improvements please give them to the Acting Executive Director. A meeting should be held on behalf of the Acting Executive Director no later than noon, Thursday, February 20, 1975. As above indicated, any ideas or suggestions that you may be able to devise in response to this memorandum should be put in writing and forwarded (with a copy to this office) to the Acting Executive Director no later than noon, Tuesday, February 18, 1975.

A meeting of the entire executive staff will be devoted to this problem sometime in the near future.

cc: Mary Brown
George Butler
William Carey
Harold Fleming
Ann Marshall
Edgar Morgan
Mary Ann Parmley
Eduardo Pena
Suzanne Reifers
Evangeline Swift
Melinda Upp
Reginald Welch



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

WASHINGTON BUREAU
SUITE 410 · WOODWARD BUILDING
733 15th STREET, N.W.
WASHINGTON, D. C. 20005

(202) 638-2269

March 5, 1975

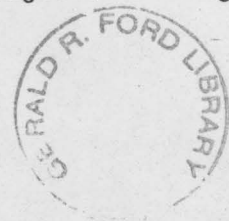
The Editor
The Washington Post
1150 - 15th Street, N. W.
Washington, D. C. 20071

Dear Sir:

The Post's editorial of March 4, 1975, titled "Crisis of Leadership in EEOC," suggests that "President Ford ought to review whether Mr. Powell is the proper person" to remain in his position of Chairman. Since its beginning in 1964, EEOC has had five chairmen. In each case there were persons or groups that insisted a replacement of the chairman would be necessary to solve EEOC's problems. Without commenting on the merits or demerits of persons who have held that post in the past, it is logical to conclude that since problems still exist such ills must be rooted in circumstances that cannot be changed by the mere replacement of one individual.

Today, the agency is trying to come to grips with discriminatory layoffs, protecting affirmative action programs and dozens of other problems covered by the statute it administers. Unfortunately, many writers ignore the constructive side of EEOC and concentrate on internal controversies. In fairness it must be said that most of the fuel for these reports on controversies comes from within the agency. Anyone familiar with the ways of Washington knows that reporters and columnists usually get much of their derogatory material about government agencies from persons employed by such agencies. EEOC cannot afford and does not deserve this kind of treatment from those inside of it.

EEOC is a kind of David against a Goliath of discrimination. Under the statute authorizing its existence, a great deal of good has been accomplished by the EEOC, the Civil Rights Division of the Department of Justice and by lawyers acting for organizations or individuals. Nevertheless, all who are familiar with the problem of employment discrimination know that the nation is only in the early stages of making a successful attack on the problem.



The Editor
The Washington Post
Page 2
March 5, 1975

At this point, it is my hope that we can change the focus of finding fault with the Chairman of EEOC and consider ways to identify the real problems. I also offer possible solutions. Here are a few of them:

1. From the very start of the agency Congress required that justification of its budget be based to a large extent on its case load. It is my opinion that this led to a policy of not consolidating cases that really involve the same issues and could be handled as one case. I venture the guess that whatever may be the backlog at this time it could be reduced substantially by consolidation. Since this problem was inherited by Chairman Powell it is very unlikely that it could be corrected merely by ousting him and installing another in his place.
2. The original concept of EEOC gave the members of the Commission quasi-judicial functions. Had this idea prevailed the members of the Commission would be so busy handling and disposing of cases that they would be calling for help to accomplish their tasks. Instead, the statute requires that cases against parties charged with discrimination must be heard by Federal Judges. This leaves Commissioners in a kind of limbo where they must seek duties which, in some instances, may be clearly the duties of the Chairman. This is not an insurmountable problem and, in my judgment, careful handling by the White House, interested members of the House and Senate and outside parties can resolve it.
3. It will be remembered that in 1972 there was a considerable drive in Congress to make the general counsel an official independent of the Commissioners, like the pattern of the general counsel of the National Labor Relations Board. This failed after the Commission was deprived of power to decide cases. Once that change was made in the statute there could be no more real justification for a completely independent general counsel than in the Department of Defense, the Labor Department or the Department of Health, Education and Welfare. If this fact of life can be accepted by all concerned it would seem that mutual respect and basic consideration for personal feelings will prevent strained relationships and the writing of sharp memoranda that somehow get to the Congress, to the press and to the public at large.

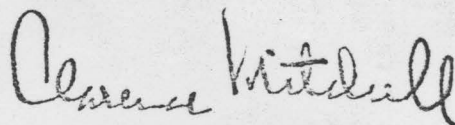


The Editor
The Washington Post
Page 3
March 5, 1975

4. Another problem is the relationship between the EEOC and the United States Department of Justice. The record will show that lawyers in the Justice Department frequently cast unwarranted aspersions on the work of lawyers in EEOC. If the parties in this kind of mischief will remember that the target of their activity should be these who practice discrimination, and not fellow lawyers who are carrying out the same mission as themselves, much of the current confusion would end.
5. Inevitably, the stronger and older agencies of government are likely to try to downgrade and ignore the role of EEOC. This can be halted if the White House establishes a clear channel of communication between EEOC and the President himself. This has gotten started at times, but changes in the Presidency and the pressures of other matters have aborted it. This must be done and the President's backing of the agency must be clear to all.
6. Finally, it must be remembered that this is a relatively new agency when compared with many others that have been on the scene for decades. This means that as it builds precedents and make policies EEOC may make mistakes. It may even seem to make mistakes when, in fact, it is being innovative. Sometimes, staff members who perform certain functions may make mistakes in figures or availability of funds for certain purposes, but when one considers the errors of older government agencies, EEOC seems like a model of efficiency by comparison. To play up some of these mistakes can hardly be called a service to the cause of Equal Employment and, at least, should be put in proper perspective.

Let us hope that the entire EEOC family will seek to settle internal differences without trying to supply sensational headlines. Let us hope that there will be a generous sharing of functions and responsibilities, whether such sharing is or is not required by the law. Let us hope also that those who write about the agency will be more interested in what it is doing to correct discrimination and less interested in spicy tid bits about motions of censure, differences about scope of authority and how to keep the Chairman in a frying pan of controversy.

Sincerely yours,



Clarence Mitchell
Director
Washington Bureau

CMM/ewh



Black Resources Inc.

SUITE 803
507 FIFTH AVENUE
NEW YORK, N.Y. 10017
(212) 972-1260

March 21, 1975

Mr. Allen Woods,
Deputy Director of Personnel
The White House
Washington, D. C.

Re: Col. Edward Earl Mitchell

Dear Mr. Woods:

As one who is both a Republican and a consultant in the area of Affirmative Action Compliance, my interest is in seeing to it that our Ford Administration has the EEOC top spot filled by the best administrator available for this area. One name comes to mind as being without peer on several pertinent points.

Colonel Edward E. Mitchell is a capable manager. Pertinent points to be considered are as follows:

1. Colonel Mitchell is from within the "affected class" community.
2. He was the first and only black officer in the history of the U.S. Army to date, who never received a review of less than "outstanding" during 20+ years of service.
3. As a youngster, he was tested in the Cincinnati, Ohio public schools as having an I.Q. high in the genius range.
4. His demonstrated management experience/capabilities are almost without peer -- spanning top management planning, programming in the U.S. Army, and as a civilian in the Department of Defense, as well as in many other governmental, educational and private business enterprises. His resume in your hands, document this experience.



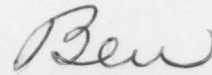
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March 21, 1975

5. In his present position of Chief, Civil Rights Section of GSA, he has been able to negotiate major non-court agreements of an unprecedented nature with a number of major corporations. The now publicized MAG agreement with Sears is especially noteworthy.
6. All throughout his professional career, and before that as an outstanding athlete, teamwork has been a hallmark of all his actions.
- and, 7. Colonel Mitchell's high regard in industry circles is well established. The esteem and respect with which he is regarded among black consumer-citizens is extremely high.

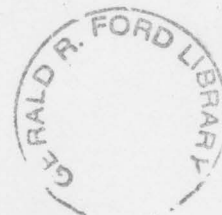
Having EEOC properly administered not only would restore confidence in that agency, but also would speak well of our Ford Administration. Should you need further information, please feel free to call upon me.

Sincerely & Respectfully,



Benjamin Hickman Wright
Senior Consultant

cc: Stan Scott ✓



146 East Bell Street
Jackson, Mississippi 39202

March 25, 1975

Mr. Stanley Scott
Special Assistant to the President
The White House
Washington, D. C. 20025

Dear Stan:

As you know, I was interviewed in January by the Chairman of the EEOC for several vacant District Director positions and the Director for National Programs.

I was subsequently notified by Mr. Powell's office that I have been "selected" for the Director of the Jackson, Mississippi office, and that my "papers" were being processed by the Civil Service Commission.

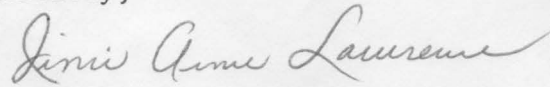
Since Mr. Powell's resignation, I received a call from the EEOC Personnel Division stating that all personnel action taken by him had been suspended.

While I realize the problems facing the agency I do feel that commitments made by the former Chairman should at least be discussed with the individuals involved.

I would appreciate a call from you to Ms. Walsh, the Acting Chairman at EEOC, regarding my situation.

I am grateful for your continuing assistance in my search for federal employment.

Sincerely,



(Ms.) Jimi Anne Lawrence

JAL:vwc

Phone: (601) 981-1395 or 353-7207



November 11, 1974

Mr. John Powell, Chairman
Equal Employment Opportunity Commission
1800 G. Street N. W.
Washington, D. C. 20506

Dear Mr. Powell:

I have submitted the enclosed biographical material to Mr. Don Hollowell in Atlanta.

While I am making specific application for the position of Area Director of EEOC in Jackson, MS, I would also appreciate consideration for vacancies in Chicago or Washington.

I am presently available and would be grateful for an opportunity to discuss my interests and qualifications for employment with EEOC.

Sincerely,

(Ms.) Jimi Anne Lawrence
146 East Bell Street
Jackson, Mississippi 39202
(601) 981-1395 (601) 982-6496

Enclosure

Copy: Mr. Stanley Scott ✓
Ms. Jewel Lafontant

Stan:

Help!

Jimi Anne





U. S. Civil Service Commission
Bureau of Recruiting and Examining
Washington, D. C. 20415

SENIOR LEVEL
POSITIONS
Announcement 408

IN REPLY, REFER TO DESK 408

Date OCT 30 1974

No. 207602

Eligibility GS-13-14-15

Veteran Preference

Mrs. Jimi A. Lawrence
146 East Bell St.
Jackson, Miss. 39202

Dear Mrs. Lawrence:

We have reviewed your application under Announcement 408, Senior Level Positions. Based on a preliminary review of your qualifications, you will receive consideration at the grade(s) shown above. This is not an offer of employment—it is a record that your name has been placed on our Senior Level referral list.

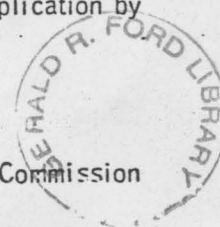
Limited Job Opportunities The Senior Level examining program is the source of recruitment from outside the Federal Government for administrative, management, and some service type occupations at grades GS-13, GS-14, and GS-15. Relatively few jobs are filled through this announcement since most vacancies at these levels are filled from within the Federal service by reassignment, transfer, or promotion. Therefore, job opportunities through Senior Level are very limited.

How Jobs Are Filled Applications are kept in a central resource file. When an agency requests names to be considered in filling a job, we screen the file for applications showing skills and backgrounds that match the requirements of the job. These applications are evaluated to identify the best qualified candidates. Then, the names of the top-ranking candidates are referred for consideration. For some positions, consideration may be limited to one or more states or a clearly defined administrative area of the agency. The applications of candidates not selected are put back into the system for consideration as other opportunities arise.

Length of Consideration You will receive consideration for a period of 12 months from the date of this letter. You may extend your period of consideration by submitting up-to-date information about your qualifications after 10 months. In any communication, please identify your application by furnishing the information which appears at the upper right corner of this letter.

Thank you for your interest in the Federal Career Service.

U. S. Civil Service Commission



This Is NOT an Offer of Employment

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

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REASON FOR WITHDRAWAL Donor restriction
TYPE OF MATERIAL Personnel Form
CREATOR'S NAME Jimi Anne (Porter) Lawrence
DESCRIPTION SF171
CREATION DATE 09/23/1974

COLLECTION/SERIES/FOLDER ID . 031500092
COLLECTION TITLE STANLEY S. SCOTT PAPERS (WH Public
Liaison Office - Minority Affairs)
BOX NUMBER 11
FOLDER TITLE Equal Employment Opportunity
Commission, 1973-1975 (1)-(2)

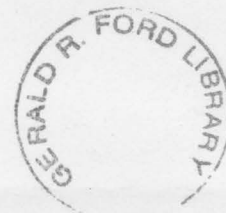
DATE WITHDRAWN 06/08/2001
WITHDRAWING ARCHIVIST WHM

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

WASHINGTON BUREAU
SUITE 410 · WOODWARD BUILDING
733 15th STREET, N.W.
WASHINGTON, D. C. 20005

(202) 638-2269

March 5, 1975



The Editor
The Washington Post
1150 - 15th Street, N. W.
Washington, D. C. 20071

Dear Sir:

The Post's editorial of March 4, 1975, titled "Crisis of Leadership in EEOC," suggests that "President Ford ought to review whether Mr. Powell is the proper person" to remain in his position of Chairman. Since its beginning in 1964, EEOC has had five chairmen. In each case there were persons or groups that insisted a replacement of the chairman would be necessary to solve EEOC's problems. Without commenting on the merits or demerits of persons who have held that post in the past, it is logical to conclude that since problems still exist such ills must be rooted in circumstances that cannot be changed by the mere replacement of one individual.

Today, the agency is trying to come to grips with discriminatory layoffs, protecting affirmative action programs and dozens of other problems covered by the statute it administers. Unfortunately, many writers ignore the constructive side of EEOC and concentrate on internal controversies. In fairness it must be said that most of the fuel for these reports on controversies comes from within the agency. Anyone familiar with the ways of Washington knows that reporters and columnists usually get much of their derogatory material about government agencies from persons employed by such agencies. EEOC cannot afford and does not deserve this kind of treatment from those inside of it.

EEOC is a kind of David against a Goliath of discrimination. Under the statute authorizing its existence, a great deal of good has been accomplished by the EEOC, the Civil Rights Division of the Department of Justice and by lawyers acting for organizations or individuals. Nevertheless, all who are familiar with the problem of employment discrimination know that the nation is only in the early stages of making a successful attack on the problem.

The Editor
The Washington Post
Page 2
March 5, 1975

At this point, it is my hope that we can change the focus of finding fault with the Chairman of EEOC and consider ways to identify the real problems. I also offer possible solutions. Here are a few of them:

1. From the very start of the agency Congress required that justification of its budget be based to a large extent on its case load. It is my opinion that this led to a policy of not consolidating cases that really involve the same issues and could be handled as one case. I venture the guess that whatever may be the backlog at this time it could be reduced substantially by consolidation. Since this problem was inherited by Chairman Powell it is very unlikely that it could be corrected merely by ousting him and installing another in his place.
2. The original concept of EEOC gave the members of the Commission quasi-judicial functions. Had this idea prevailed the members of the Commission would be so busy handling and disposing of cases that they would be calling for help to accomplish their tasks. Instead, the statute requires that cases against parties charged with discrimination must be heard by Federal Judges. This leaves Commissioners in a kind of limbo where they must seek duties which, in some instances, may be clearly the duties of the Chairman. This is not an insurmountable problem and, in my judgment, careful handling by the White House, interested members of the House and Senate and outside parties can resolve it.
3. It will be remembered that in 1972 there was a considerable drive in Congress to make the general counsel an official independent of the Commissioners, like the pattern of the general counsel of the National Labor Relations Board. This failed after the Commission was deprived of power to decide cases. Once that change was made in the statute there could be no more real justification for a completely independent general counsel than in the Department of Defense, the Labor Department or the Department of Health, Education and Welfare. If this fact of life can be accepted by all concerned it would seem that mutual respect and basic consideration for personal feelings will prevent strained relationships and the writing of sharp memoranda that somehow get to the Congress, to the press and to the public at large.



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4. Another problem is the relationship between the EEOC and the United States Department of Justice. The record will show that lawyers in the Justice Department frequently cast unwarranted aspersions on the work of lawyers in EEOC. If the parties in this kind of mischief will remember that the target of their activity should be these who practice discrimination, and not fellow lawyers who are carrying out the same mission as themselves, much of the current confusion would end.
5. Inevitably, the stronger and older agencies of government are likely to try to downgrade and ignore the role of EEOC. This can be halted if the White House establishes a clear channel of communication between EEOC and the President himself. This has gotten started at times, but changes in the Presidency and the pressures of other matters have aborted it. This must be done and the President's backing of the agency must be clear to all.
6. Finally, it must be remembered that this is a relatively new agency when compared with many others that have been on the scene for decades. This means that as it builds precedents and make policies EEOC may make mistakes. It may even seem to make mistakes when, in fact, it is being innovative. Sometimes, staff members who perform certain functions may make mistakes in figures or availability of funds for certain purposes, but when one considers the errors of older government agencies, EEOC seems like a model of efficiency by comparison. To play up some of these mistakes can hardly be called a service to the cause of Equal Employment and, at least, should be put in proper perspective.

Let us hope that the entire EEOC family will seek to settle internal differences without trying to supply sensational headlines. Let us hope that there will be a generous sharing of functions and responsibilities, whether such sharing is or is not required by the law. Let us hope also that those who write about the agency will be more interested in what it is doing to correct discrimination and less interested in spicy tid bits about motions of censure, differences about scope of authority and how to keep the Chairman in a frying pan of controversy.

Sincerely yours,

Clarence Mitchell

Clarence Mitchell
Director
Washington Bureau



CMM/ewh

March 28, 1975

Mr. Robert E. Hampton, Chairman
U. S. Civil Service Commission
1900 "E" Street N.W.
Washington, D.C. 20415

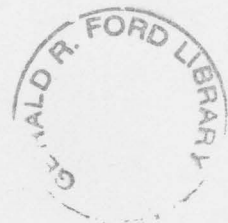
Dear Mr. Hampton:

Please consider this an official complaint filed with your office and agency by the Atlanta Regional Local Union No. 3599, of the American Federation of Government Employees, which Union represents employees in the Atlanta Region of the Equal Employment Opportunity Commission. This complaint alleges that management officials (Directors) within the Atlanta Region have, for some number of years, maintained a concerted program, the substance of which has been to undermine and destroy the concepts of:

1. The right to seek redress from grievances,
2. The right to due process under available redress systems, and
3. The right to equal employment opportunity under the Law.

Specifically, we allege that said officials have:

1. Subjected employees to acts of intimidation and reprisal for seeking redress from just grievances,
2. Failed to ensure grievants and complainants with due process under various redress systems, as is their managerial responsibility,
3. Refused to recognize employees' rights guaranteed under various redress systems,
4. Refused to engage in good faith efforts to resolve grievances and complaints on an informal basis,
5. Directly subjected EEO personnel to harassment and reprisal because they attempted to function in their official capacities,



~~Robert E. Hampton~~

Letter Dated March 28, 1975

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6. Engaged in concerted efforts to undermine such programs as EEO, FWP, Sixteen Point Program, Merit Promotion, and have totally discredited same in the eyes of affected employees. The effect of which has caused employees to be uncertain and insecure regarding their status as employees and thereby not being able to perform at their peak ability.

Due to the fact that most, if not all, redress systems have completely lost their credibility in the eyes of employees, the agency now maintains a staff of local EEO functionaries who have not been properly trained to discharge their responsibilities under the Law. The effect of which is that the rights of employees are all too often being placed in jeopardy by such untrained EEO personnel.

The following represents several internal cases, where, if properly reviewed will be supportive of the Union's concerns in this matter:

<u>Personnel</u>	<u>Matter</u>
Daniel Ahern	EEO Complaint
Harry Long	EEO Complaint
Richard Green	EEO Complaint & Grievance
Cecelia Matthews	EEO Complaint
Shellie Hoffer	EEO Counselor (Appointed)
Alan Raf Donath	EEO Complaint
Lynn Jordan & Joycia Ricks	EEO Complaint
Machion Garrison	Grievance (Withdrawn)
Ivan Rivera	EEO Complaint
H. A. Huggins	EEO Counselor Complaint
William Jordan	Grievance

See attached list of offices (Attachment A).



~~Robert E. Hampton~~

Letter Dated March 28, 1975

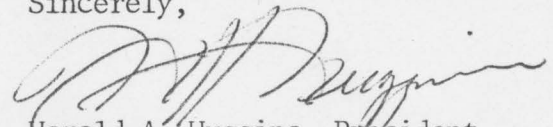
Page -3-

The Union has made numerous efforts to communicate its concerns to the agency's management, but to no avail. One such occasion involved a written complaint by the Union to the Executive Director, after a EEO Counselor and Regional Director (Atlanta) had subjected a Complainant to sheer intimidation. However, the Union has not received a reply to date.

In the minds of many employees, the "shiekhdom" system of management exists within the Equal Employment Opportunity Commission, whereby individual managers are able to grant in their particular District and/or Region Life or Death to any effort or program based solely on their individual pleasure(s). This may account for the fact that in the Atlanta Region of EEOC employee morale is almost nonexistent.

Therefore, please consider this our urgent request that your organization cause to be conducted an immediate and full scale investigation of the matters complained of herein. That a interim program of full review of all EEO and Administrative Grievances be instituted on an immediate basis to ensure that the rights of our members and employees in general are protected.

Sincerely,



Harold A. Huggins, President
AFGE- Atlanta Regional Local
Union No. 3599 - EEOC

cc: Clyde M. Webber
AFGE National President

Kenneth T. Blalock
AFGE National Vice President

Atlanta Regional Stweards

Ethel B. Walsh
Acting Chairman - EEOC

Stanley Scott ✓
Special Assistant to the President



Attachment A

Office

Condition

Atlanta Region & District Offices

General Low Morale

Atlanta Regional Litigation Center

General Low Morale

Birmingham District Office

General Low Morale

Miami District Office

General Low Morale



Atlanta Regional Litigation Center
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

1389 Peachtree Street, N. E., Room 200

Atlanta, Georgia 30309

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION



Mr. Stanley Scott
Special Assistant to the President
The White House
Washington, D.C. 20500

SOUTHERN CONFERENCE OF BLACK MAYORS, INC.



April 9, 1975

Executive Committee:

Mayor Charles Evers
Fayette, Miss.
Mayor Johnny Ford
Tuskegee, Ala.
Mayor David Humes
Hayti Heights, Mo.
Mayor Howard Lee
Chapel Hill, N. C.
Mayor Earl Lucas
Mound Bayou, Miss.
Mayor Eristus Sams
Prairie View, Tex.
Mayor Louis Scott
Eastover, S. C.
Chairman
Mayor Maynard H. Jackson
Atlanta, Georgia

Officers:

President
Mayor A. J. Cooper, Jr.
Prichard, Ala.
Vice President
Mayor Silas Seabrooks
Santee, S. C.
Treasurer
Mayor Clarence Lightner
Raleigh, N. C.
Secretary
Mayor Judge Stringer
Hobson City, Ala.

The President
The White House
Washington, D. C. 20025



Dear Mr. President:

Recognizing the current void in leadership at the Equal Employment Opportunity Commission and the resulting confusion that follows all organizational changes, the Southern Conference of Black Mayors is concerned about the process utilized to select a new chairman and the caliber of the individual selected.

We feel very strongly that key civil rights organizations should be consulted or participate in the selection process to some degree. It is our understanding that your administration encourages citizen participation in government, therefore, we offer the name of Timothy L. Jenkins for the position of chairman of the Equal Employment Opportunity Commission.

Mr. Jenkins would bring to the chairmanship outstanding credentials and abilities as a lawyer, administrator and civil rights activist; extensive civic and professional affiliations; and written publications which reflect both leadership qualities and an acute sensitivity to the particularities of civil rights issues.

His previous association with the agency as a consultant, former deputy to Commissioner Graham, and a pass special assistant to the chairman, have equipped him with a management perspective based not on theory, but rather on personal experience and intimate knowledge of the agency's internal operations.

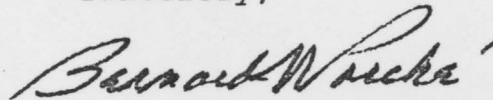
The President
April 9, 1975

Page Two

We have always found Mr. Jenkins to be calm and deliberate in addressing complex and sometimes emotional problems. His determination coupled with a precise approach to situations of conflict indicate to us that he is well suited to the demands of public administration at the national level.

The Southern Conference of Black Mayors, Inc., is a nonprofit, nonpartisan, charitable organization which was incorporated on June 28, 1974. The Conference is composed of some 70 mayors from 16 Southern states, representing cities as large as Atlanta, Georgia and as small as Ridgeville, Alabama. Mr. Jenkins would have the organization's full support as chairman of the Equal Employment Opportunity Commission.

Sincerely,



Bernard M. Porche
Executive Director

BMP:ar
Enclosure
CC: Timothy L. Jenkins



HENRY M. JACKSON, WASH., CHAIRMAN
FRANK CHURCH, IDAHO
LEE METCALF, MONT.
J. BENNETT JOHNSTON, LA.
JAMES ABOUREZK, S. DAK.
FLOYD K. HASKELL, COLO.
JOHN GLENN, OHIO
RICHARD STONE, FLA.
DALE BUMPERS, ARK.

PAUL J. FANNIN, ARIZ.
CLIFFORD P. HANSEN, WYO.
MARK O. HATFIELD, OREG.
JAMES A. MC CLURE, IDAHO
DEWEY F. BARTLETT, OKLA.

GRENVILLE GARSIDE, SPECIAL COUNSEL AND STAFF DIRECTOR
WILLIAM J. VAN NESS, CHIEF COUNSEL

United States Senate

COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
WASHINGTON, D.C. 20510

May 27, 1975

The Honorable Stanley Scott
Special Assistant for Minority Affairs
Executive Office of the President
The White House
Washington, D. C.

Dear Mr. Scott:

I am writing to you on behalf of Mr. Philip Hayasaka for his consideration as a Commissioner on the Equal Employment Opportunity Commission.

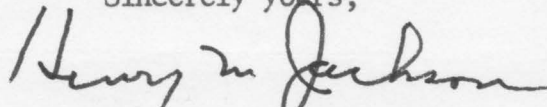
It is my understanding that the new Chairman has been selected and confirmed, therefore, this communication relates only to a Commissioner's position.

I believe that Mr. Hayasaka is qualified to be a good Commissioner as he has a long and respected history in this area.

Thank you for your assistance in this matter.

With best wishes,

Sincerely yours,



Henry M. Jackson, U.S.S.

HMJ:ely

Enclosure (Resume)



RESUME

Philip Hayasaka

2200 Rainier Avenue South
Seattle, Washington, 98144

Business Phone: 206-583-5770



11133 - 51 Avenue South
Seattle, Washington, 98178

Residence Phone: 206-725-7716

I. EMPLOYMENT:

1. Appointed Director, City of Seattle Human Rights Department by the Mayor in September of 1969, to administer a newly created Department in city government. Presently directs a staff of 25 persons to enforce the city civil rights laws on employment, housing and contract compliance. Appointed by the Mayor as the City Equal Employment Opportunity Officer in 1973 to enforce the City's Affirmative Action Program.

Responsibilities include investigating and resolving complaints of discrimination in employment and housing; assuring equal employment opportunities by contractors having a contract with the city; monitoring compliance by city departments with the Affirmative Action Program and developing remedial action; identifying and eliminating discriminatory employment procedures; maintaining liaison with various State and Federal agencies; and providing training to city administrators and other employers on civil rights laws, affirmative action and human relations.

2. Appointed Director, City of Seattle Human Rights Commission by the Mayor in July of 1963, to administer the newly created twelve member Commission in city government to promote inter-racial understanding and equality, and served in that capacity until appointed Director of the Human Rights Department.

Responsibilities included enforcing the City's Fair Housing Law; conducting community relations programs; developing local legislation on civil rights; mediating tense racial situations arising in the community and schools; and organizing community groups to promote racial harmony.

3. Appointed Director of the Jackson Street Community Council, an United Way social service agency, in July of 1959, by its Board of Directors, and served in that capacity until appointed Director of the Seattle Human Rights Commission.

Responsibilities included working with residents and businesses in a multi racial community in Seattle on a self help program to better the living and working environment.

Resume
Philip Hayasaka

Page two

II. EDUCATION:

1. University of Washington graduate in 1952 with a B.A. degree in Business Administration and Economics.

III. COMMUNITY AND CIVIC AFFILIATIONS:

1. Appointed by the Governor as a charter member of the Washington State Commission on Asian American Affairs and served as its first chairperson. Served on the steering committee that introduced the proposal of such commission to the Governor and assisted in the formulation and development of the Commission's establishment, function and activities. Presently a member of the Executive Committee.
2. Elected to the Board of Directors of the Greater Seattle Council of Churches.
3. Instrumental in the organization of the Asian Coalition for Equality, a group of Japanese, Filipino and Chinese active in promoting equality of opportunity for Asians and other minorities in the Seattle area.
4. Appointed by the President, University of Washington, to serve on the Visiting Committee (advisory) to its School of Social Work. Presently serving as vice chairperson on the Executive Committee.
5. Appointed by the Bishop of the United Methodist Church, Northwest Conference, to serve on its Board of Church and Society. Past member of its Executive Committee.
6. Past President of the Japanese American Citizens League, Seattle Chapter.
7. Past member, Washington State Urban Affairs Council.



June 5, 1975

Dear Senator Jackson:

Stanley Scott has brought to my attention your letter recommending Philip Hayasaka for appointment as a Commissioner on the Equal Employment Opportunity Commission.

Several candidates are presently under serious consideration for this position and we are now awaiting a Presidential decision in the matter. I will, however, be glad to see that Mr. Hayasaka is given every consideration should another vacancy arise.

Thank you for letting us know of your high regard for Mr. Hayasaka.

With best wishes,

Sincerely,

John A. Shaw
Associate Director
Presidential Personnel Office

Honorable Henry M. Jackson
United States Senate
Washington, D.C. 20510

JAS:lab

bcc: Stan Scott ✓

